

UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF NEW HAMPSHIRE

COALITION FOR OPEN DEMOCRACY,  
*et al.*,

*Plaintiffs,*

v.

DAVID M. SCANLAN, in his official capacity  
as New Hampshire Secretary of State, *et al.*,

*Defendants.*

Case No. 1:24-cv-00312-SE-TSM

**JOINT STATUS REPORT**

NOW COME all parties, by and through their respective counsel, and jointly report on the status of compliance with the Court's May 20, 2025 Endorsed Order and its May 27, 2025 Memorandum Order (ECF No. 75) (collectively, the "Orders"), and state as follows:

1. On May 29, 2025, the Court held a Status Conference regarding compliance with the Orders directing Defendants to produce a copy of the Statewide Voter Registration System ("SVRS") by May 27, 2025. End. Order (May 29, 2025). The Court ordered the parties to jointly report, at a minimum, the status of the proposed protective order and Defendants' production, including a timeline for the completion of production, and whether production will include guided access.

2. Defendants' Prefatory Statement: Defendants will be filing a motion to reconsider the Orders today. As indicated at the Status Conference, Defendants are considering an interlocutory appeal of the Orders, but those deliberations are not impeding Defendants' efforts to work with Plaintiffs to comply with the Orders.

3. Plaintiffs' Prefatory Statement: Plaintiffs' position is that the Defendants have been in non-compliance with the Court's order on the Motion to Compel since May 27, 2025.

Despite that, the Plaintiffs have engaged in expedited, good-faith efforts to resolve the dispute. Defendants sent a proposal to resolve the production dispute on Friday, May 30 at 11:00 am. Plaintiffs sent their comments and edits to Defendants on Monday, June 2 at 3:50 pm. Plaintiffs are unsure whether agreement to resolve this issue can be reached, but are willing to continue discussions for the time being. At some point, however, Plaintiffs may seek further relief from the Court. As to the Motion to Reconsider, as of the time of this drafting Plaintiffs have not reviewed the motion, but intend to file an objection expeditiously.

4. Proposed Protective Order: Defendants transmitted their comments and edits to Plaintiffs' draft Proposed Protective Order at 8:55 a.m. on Friday, May 30, 2025. Plaintiffs transmitted their comments and edits to Defendants' counterproposal at 4:45 p.m. on Tuesday, June 3, 2025. The parties believe that they are close to an agreement and they intend to file a joint proposal on or before Thursday, June 5, 2025. The parties appreciate that time is of the essence.

5. Defendants' Statement on Production Status: Defendants have not produced additional information pursuant to the Orders, but Defendants are diligently proceeding toward compliance. To facilitate compliance, the parties met and conferred at 2:00 p.m. on Monday, June 2, 2025. The meeting included Anand Balasubramanian, CEO of ReFrame Solutions, New Hampshire's SVRS vendor. Mr. Balasubramanian shared information regarding relational database technology with Plaintiffs.

6. Guided Access to the SVRS: The parties have scheduled an on-site guided tour of the SVRS for Friday, June 6, 2025. Plaintiffs' understanding is that the visit will allow the Plaintiffs and their expert to observe the database but do not understand it to be an opportunity to conduct analysis or extract data. The parties agree this will not relieve Defendants of their

discovery obligations under the Court order.<sup>1</sup> The parties will be considerate of the Court's time in seeking entry of a protective order by moving the Court as soon as possible, because a protective order is necessary before Friday's guided access. Also, because the guided access is onsite, the parties will negotiate a nondisclosure agreement. Defendants will provide to Plaintiffs by Wednesday, June 4, 2025.

Respectfully submitted,

DEFENDANTS DAVID M. SCANLAN and  
JOHN M. FORMELLA

By their attorney,

JOHN M. FORMELLA  
ATTORNEY GENERAL

Date: June 3, 2025

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HAMPSHIRE, THE FORWARD  
FOUNDATION, MCKENZIE NYKAMP  
TAYLOR, DECEMBER RUST, STEVEN  
BORNE (as father and next friend of MILES  
BORNE), and RUSSELL MUIRHEAD (as  
father and next friend of ALEXANDER  
MUIRHEAD and LILA MUIRHEAD)

By their attorneys,

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<sup>1</sup> Defendants reiterate that they reserve their rights to seek reconsideration and interlocutory appeal of the Orders. Acknowledgement that they have not yet fully complied with the Orders or that they are working toward compliance is not a waiver of their rights to seek reconsideration or appellate review.

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on all parties of record through the Court's e-filing system.

/s/ Michael P. DeGrandis  
Michael P. DeGrandis